

PROB 12B
(12/98)

United States District Court

for

The Western District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

RECEIVED

DEC 02 2005

WILLIAM M. SKRETNY
United States District Judge
Western District of New York

Name of Offender: Lamar Stribling

Case Number: 1:03CR00168-001

Name of Sentencing Judicial Officer: Honorable William M. Skretny, U.S. District Judge

Date of Original Sentence: 5/12/05

Original Offense: 18 U.S.C. § 922(g)(1) Felon in Possession of a Firearm

Original Sentence: Eighteen (18) months incarceration followed by three (3) years supervised release with the following special conditions; the defendant shall obtain and maintain gainful employment; the defendant shall enter into drug/alcohol treatment to include urinalysis and other testing; search condition; forfeiture interest in property pursuant to Plea Agreement.

Type of Supervision: Supervised Release

Date Supervision Commenced: 8/12/05

PETITIONING THE COURT

- ☐ To extend the term of supervision for _ years, for a total term of _ years.
- ☒ You shall comply with the conditions of a curfew from 9:00 pm to 6:00 am, unless excused by the probation officer for **two (2) months**. You shall wear an electronic monitoring device and follow electronic monitoring procedure as outlined in Probation Form 61. The defendant shall pay a portion or the total cost of electronic monitoring services at the daily rate provided by the U.S. Probation Office. The daily rate and payment schedule are subject to periodic adjustments by the U.S. Probation Office.

CAUSE

On 11/30/05, while conducting a routine community contact with the defendant, this officer learned he had been using marijuana. The defendant stated he smoked marijuana with associates on or about 11/24/05. Furthermore, the defendant also admitted to using marijuana early in the month after submitting a positive urine specimen on 11/3/05.

The Court should be aware that 4 days after the defendant's supervised release commenced, he tested positive for marijuana. The defendant was immediately referred to outpatient substance abuse treatment at Horizon's and counseled by his probation officer. The defendant was placed on the

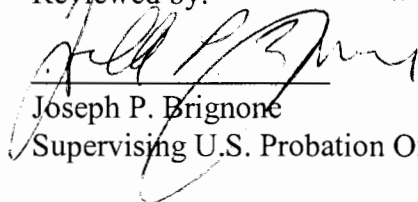
RE: Stribling, Lamar
1:03CR00168-001

U.S. Probation random color drug testing program. The defendant has maintained stable residence and continues employment for a local construction company. Mr. Stribling, by his own admission relates that it has been very difficult for him to discontinue the use of marijuana despite his active participation in outpatient treatment. The defendant has been a chronic user of marijuana since his early teenage years.

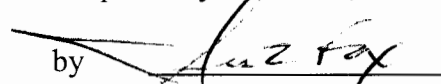
This officer has counseled the subject regarding the importance of abiding by the conditions of his release and refraining from the use of illicit substances. The defendant has been informed that his latest drug use marks the 3rd positive urinalysis within 4 months of supervision. Mr. Stribling has been advised that pursuant to 18 U.S.C. §3583(g)(4), any further drug use may result in revocation of his supervision. Based upon the defendant's admitted conduct a sanction placing him on two (2) months electronic monitoring curfew seems appropriate. In the event the probation office learns of any further violations by the subject, the Court will be immediately apprized and appropriate action will be requested

The subject readily agreed to the modification as indicated by his signature on the attached Probation Form 49. If the Court is in agreement with this course of action, please indicate below.

Reviewed by:

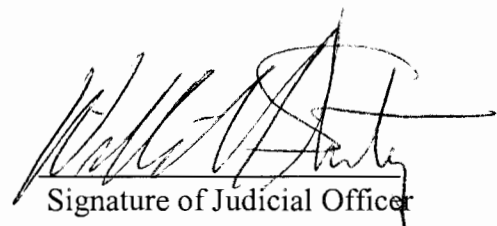

Joseph P. Brignone
Supervising U.S. Probation Officer

Respectfully submitted,

by 
Ira Z. Fox
U.S. Probation Officer
Date: 12/2/05

THE COURT ORDERS:

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer
12/5/05
Date

PROB 49
(Revised 11/98)


**United States District Court
Western District of New York**

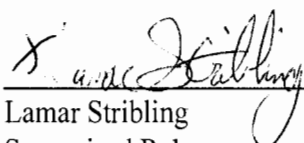
**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I further understand that all previously imposed conditions will remain in effect.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

You shall comply with the conditions of a curfew from 9:00 pm to 6:00 am, unless excused by the probation officer for **two (2) months**. You shall wear an electronic monitoring device and follow electronic monitoring procedure as outlined in Probation Form 61. The defendant shall pay a portion or the total cost of electronic monitoring services at the daily rate provided by the U.S. Probation Office. The daily rate and payment schedule are subject to periodic adjustments by the U.S. Probation Office.

Witness: 
Ira Z Fox
U.S. Probation Officer

Signed: 
Lamar Stribling
Supervised Releasee

12-1-05
Date